

BEFORE THE ARIZONA STATE BOARD OF  
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

In the Matter of:	)	
	)	
STEVEN LOCNIKAR, D.O.	)	
Holder of License No. 2669	)	STIPULATION FOR
For the practice of	)	CONSENT ORDER
Osteopathic Medicine in the	)	
State of Arizona	)	
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STIPULATION

By mutual agreement and understanding, the Arizona State Board of Osteopathic Examiners in Medicine and Surgery ("Board") and Steven Locnikar, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition of this matter.

1. Respondent acknowledges that he had read this Stipulation and the attached Stipulated Consent Order; and, Respondent is aware of and understands the content of these documents.

2. Respondent understands that by entering into this Stipulation, he voluntarily relinquishes any rights to a hearing on the matters alleged as ground for Board action or to seek judicial review of the consent order in state or federal court.

3. Respondent understands that this Stipulation and Order will not become effective unless approved by this Board and signed by its Executive Director.

4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public records which may be disseminated as a formal action of the Board.

5. Respondent admits to the facts and consents to all the terms contained in the Stipulated Order.

6. Respondent acknowledges and agrees that upon signing and returning this document to the Board, he may not later revoke or amend this stipulation or the consent order, without Board approval.

IT IS HEREBY STIPULATED AND AGREED that any violation of said Board Order constitutes unprofessional conduct as defined in A.R.S. 32-1855.

REVIEWED AND ACCEPTED this 17 day of May, 1996.

Steven Locnikar  
Steven Locnikar, D.O.

State of Arizona       )  
                              ) ss  
County of                )

This instrument was acknowledged before me this 17 day of May, 1996, by the above-named individual.

Joyce Heil  
Notary

My Commission Expires:

4/7/99

Reviewed and approved as to form  
by counsel for Respondent:

Robert D. Bohm  
Robert D. Bohm

REVIEWED AND SIGNED this 20th day of May, 1996, for  
the Board by:

Ann Marie Berger  
Ann Marie Berger  
Executive Director

BEFORE THE ARIZONA STATE BOARD OF  
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

In the Matter of:	)	
	)	
STEVEN LOCNIKAR, D.O.	)	FINDINGS OF FACT,
Holder of License No. 2669	)	CONCLUSIONS OF LAW AND
For the practice of osteopathic	)	CONSENT ORDER
medicine in the State of Arizona	)	
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STATEMENT OF FACTS

1. Information was brought to the attention of the Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereinafter "Board") giving cause to believe that Steven Locnikar, D.O. (hereinafter "Respondent"), holder of license number 2669 for the practice of osteopathic medicine and surgery in the State of Arizona, may be physically and/or psychologically unable to safely and skillfully engage in the practice of medicine due to possession and use of an illicit substance and substance addiction; and, therefore, Respondent may have committed one or more acts of unprofessional conduct as defined in A.R.S. 32-1854.

2. On April 26, 1996, through his attorney, Robert Bohm, Respondent agreed to voluntarily cease engaging in the practice of osteopathic medicine until after the Board's May 15, 1996 meeting. Thereafter, in a telephone conference call in public session the Board voted on the 1st day of May, 1996 to hold an Informal Interview with Respondent at its May 15, 1996 Board Meeting. In public session at the 15th day of May, 1995, the Board authorize the Board's Executive Director to execute a Stipulated Consent Order regarding Respondent, which follows hereinafter.

3. Respondent appeared before the Board on May 15, 1996 and agreed to the submission of the Stipulated Consent Order, at which time the Board considered and approved the entry of the Stipulated Consent Order.

#### CONCLUSIONS OF LAW

1. The Arizona State Board of Osteopathic Examiners has jurisdiction over the person and subject matter presented by this matter, pursuant to A.R.S. 32-1800, et seq.

2. The Board has the authority to enter into a stipulated order for final disposition of this case, pursuant to A.R.S. 41-1061(D), A.R.S. 32-1855 and A.R.S. 32-1861(D).

3. The Respondent engaged in unprofessional conduct as defined at A.R.S. 32-1854(22), i.e., using controlled substances or prescription-only drugs unless they are provided by a medical practitioner, as defined in section 32-1901.

#### CONSENT ORDER

Pursuant to the authority vested in the Board by A.R.S. 32-1855 and A.R.S. 41-1061(D), IT IS HEREBY ORDERED THAT:

1. Respondent is placed upon probation for five (5) years and shall comply with the terms and conditions of probation set forth herein.

2. From the date of the order of probation, Respondent shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and or psychologist and is selected by Respondent and approved by the Board. Respondent shall comply with the program of treatment and therapist(s) recommendation for the frequency of therapy treatment sessions. Respondent shall inform the

Board by letter (mailed within ten days of the date of this Order) of the therapist's name. The Board reserves the authority to disqualify the therapist selected by Respondent and order the selection of another therapist. In the event Respondent changes therapists, he shall give the Board written notice within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of psychotherapy sessions until he has submitted a written request to the Board and obtained Board approval.

3. Respondent's therapist(s) shall receive a copy of this Order. Board staff shall cooperate with and disclose all relevant information in the Board's files concerning Respondent. The treating therapist shall be directed by Respondent to send to the Board a written progress report every month for the first six (6) months, then every three (3) months for the remainder of the probation; and, Respondent shall waive any confidentiality concerning his psychotherapy solely for the purpose of making disclosure of information to the Board so that the Board may receive full disclosure of otherwise confidential information. The expense of the aforementioned therapy and the reports to the Board by Respondent's therapist shall be the sole responsibility of the Respondent.

4. Respondent shall participate in a minimum of two (2) self-help meetings per week (for a minimum of one hour per meeting) through such organizations as Alcoholics Anonymous, Narcotics Anonymous and doctor's Caduceus group. Respondent shall maintain a written record of the dates, time and location of meetings attended; and, a copy of said written record shall be provided to the Board's staff on the first day of each month.

5. Respondent shall provide a copy of this Order and any subsequent Orders to all facilities where Respondent is currently or in the future will be employed as a physician and/or has privileges to engage in the practice of medicine until the expiration of this Order.

6. Respondent may have his license to practice as an osteopathic physician restricted, suspended or revoked by the Board in the future if:

- (A) The Board finds that Respondent does not have the requisite mental, physical and emotional fitness to safely continue the practice of medicine; or,
- (B) There are new grounds for finding unprofessional conduct concerning Respondent; or,
- (C) Respondent fails to comply fully with the terms and conditions of this Order.

7. Respondent shall abstain completely from the consumption of alcoholic beverages; and, Respondent shall not consume illicit drugs or take any controlled substances (i.e. prescription only drugs), unless such medication is prescribed for him by his treating physician. Respondent shall maintain a monthly log (for the duration of probation) and provide a copy of the log to the Board at the first of each month of all prescription only drugs taken by him and such log shall include the following information:

- (a) the name of the medication;
- (b) name of prescribing physician;
- (c) reason for the medication.

8. Respondent shall also as part of his probation: (A) submit to and cooperate in any independent medical or psychological

evaluation that is ordered by the Board for Respondent and conducted by the Board's designated physician and/or psychologist which shall be paid for by the Respondent; and (B) appear before the Board, upon receipt of a request by written or telephonic notification from the Board's executive director or executive director's designee which shall be given at least five (5) days prior to the Board meeting.

9. Respondent shall submit to random biological fluid testing and promptly provide (i.e., at a Board designated location and within sixty (60) minutes of notification by Board Executive Director or designated staff member) required biological fluids for testing and said testing shall be done at the Respondent's expense.

10. In the event Respondent ceases to reside in the State of Arizona, he shall give written notice to the Board of his new residence address within twenty (20) days of moving; and, the terms and duration of probation shall be stayed until Respondent returns to Arizona.

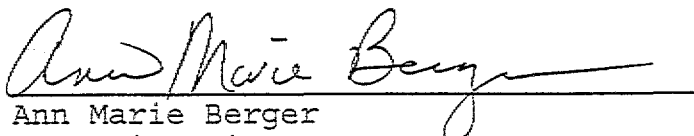
11. Respondent shall comply with all requirements imposed pursuant to U.S. Drug Enforcement Administration administrative order, federal court order, agreement with the U.S. Attorney or federal statutes and regulations applicable to the prescribing of controlled substances or other probationary conditions imposed upon him.

12. Respondent shall comply with all terms and conditions imposed by any Arizona hospital at which you have or later obtain privileges to practice; and, said hospital's chief executive officer shall be provided by you within five (5) days of copy of this Consent Order, in its entirety.

13. The Board's Executive Director shall send correspondence to the appropriate state and/or federal law enforcement or regulatory agency disclosing information in the Board's possession which may establish criminal misconduct by Respondent, i.e., illicit use of controlled substances.

ISSUED AND EFFECTIVE this 20th day of May, 1996.

ARIZONA BOARD OF OSTEOPATHIC  
EXAMINERS IN MEDICINE AND SURGERY

  
Ann Marie Berger  
Executive Director

Served by personal delivery or by sending  
U.S. Certified Mail this \_\_\_\_ day of  
\_\_\_\_\_, 1996 to:

Steven Locnikar, D.O.  
3201 W. Peoria Ave., D805  
Phoenix AZ 85029

Hand-Delivered this 20th day of May,  
1996 to:

Robert D. Bohm, Esq.  
4400 N. 32nd Street, Suite 150  
Phoenix AZ 85018

Mailed this \_\_\_\_ day of \_\_\_\_\_, 1996 to:

Michael Harrison, Assistant Attorney General  
Civil/LES Division  
1275 W. Washington  
Phoenix AZ 85007

U.S. Drug Enforcement Administration  
Attn: Jerry Goldsmith, Diversion Investigator  
Suite 301  
Phoenix AZ 85012